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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

12 BROADCAST MUSIC, INC.; AMAZEMENT
13 MUSIC; MJ PUBLISHING TRUST d/b/a
14 MIRAN PUBLISHING INC.; COMART
15 MUSIC; EMI VIRGIN SONGS, INC. d/b/a
16 EMI LONGITUDE MUSIC; SONY/ATV
SONGS LLC; THE BERNARD EDWARDS
COMPANY LLC; WARNER-TAMERLANE
PUBLISHING CORP.; SONGS OF
UNIVERSAL, INC..

17 || Plaintiffs.

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19 JMN RESTAURANT MANAGEMENT
CORP. d/b/a SPIN-A-YARN RESTAURANT;
20 and SAKI KAVOUNIARIS, individually,

Defendants.

Plaintiffs, by their attorneys, for their Complaint against Defendants, allege as follows (on knowledge as to Plaintiffs; otherwise on information and belief):

JURISDICTION

1. This is a suit for copyright infringement under the United States Copyright Act of
27 1976, as amended, 17 U.S.C. Sections 101 et seq. (the "Copyright Act"). This Court has
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1 jurisdiction pursuant to 28 U.S.C. Section 1338(a).

2 **VENUE**

3 2. Venue is proper in this judicial district pursuant to 28 U.S.C. Section 1400(a).

4 **INTRADISTRICT ASSIGNMENT**

5 3. Pursuant to Civil L.R. 3-2(c) and General Order No. 44, as an Intellectual Property
6 action this case is properly assigned to any division of this Court, except that pursuant to Civil
7 Local Rules 3-2(g) and 73-1, Plaintiffs do not consent to assignment to a Magistrate Judge in the
8 Eureka Division.

9 **THE PARTIES**

10 4. Plaintiff Broadcast Music, Inc. ("BMI") is a corporation organized and existing
11 under the laws of the State of New York. BMI's principal place of business is 7 World Trade
12 Center, 250 Greenwich Street, New York, New York 10007. BMI has been granted the right to
13 license the public performance rights in approximately 8.5 million copyrighted musical
14 compositions (the "BMI Repertoire"), and currently includes all of those which are alleged herein
15 to have been infringed.

16 5. The Plaintiffs other than BMI are the owners of the copyrights in the musical
17 compositions which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Fed. R.
18 Civ. P. 17(a) and 19(a).

19 6. Plaintiff Amazement Music is a sole proprietorship owned by Frankie Beverly.
20 This Plaintiff is the copyright owner of at least one of the songs in this matter.

21 7. Plaintiff MJ Publishing Trust is a trust doing business as Miran Publishing Inc.
22 This Plaintiff is the copyright owner of at least one of the songs in this matter.

23 8. Plaintiff Comart Music is a sole proprietorship owned by Howard Comart. This
24 Plaintiff is the copyright owner of at least one of the songs in this matter.

25 9. Plaintiff EMI Virgin Songs, Inc. is a corporation doing business as EMI Longitude
26 Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

27 10. Plaintiff Sony/ATV Songs LLC is a limited liability company. This Plaintiff is the
28 copyright owner of at least one of the songs in this matter.

1 11. Plaintiff The Bernard Edwards Company LLC is a limited liability company. This
2 Plaintiff is the copyright owner of at least one of the songs in this matter.

3 12. Plaintiff Warner-Tamerlane Publishing Corp. is a corporation. This Plaintiff is the
4 copyright owner of at least one of the songs in this matter.

5 13. Plaintiff Songs of Universal, Inc. is a corporation. This Plaintiff is the copyright
6 owner of at least one of the songs in this matter.

7 14. Defendant JMN Restaurant Management Corp. is a corporation organized and
8 existing under the laws of the State of California, which operates, maintains and controls an
9 establishment known as Spin-A-Yarn Restaurant, located at 45915 Warm Springs Boulevard,
10 Fremont, California 94539-6746, in this district (the "Establishment").

11 15. In connection with the operation of the Establishment, Defendant JMN Restaurant
12 Management Corp. publicly performs musical compositions and/or causes musical compositions
13 to be publicly performed.

14 16. Defendant JMN Restaurant Management Corp. has a direct financial interest in the
15 Establishment.

16 17. Defendant Saki Kavouniaris is an officer of Defendant JMN Restaurant
17 Management Corp. with primary responsibility for the operation and management of that
18 corporation and the Establishment.

19 18. Defendant Saki Kavouniaris has the right and ability to supervise the activities of
20 Defendant JMN Restaurant Management Corp. and a direct financial interest in that corporation
21 and the Establishment.

22 **CLAIMS OF COPYRIGHT INFRINGEMENT**

23 19. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1
24 through 18.

25 20. Plaintiffs allege six (6) claims of willful copyright infringement, based upon
26 Defendants' unauthorized public performance of musical compositions owned and/or licensed by
27 the Plaintiffs. All of the claims for copyright infringement joined in this Complaint are governed
28 by the same legal rules and involve similar facts. Joinder of these claims will promote the

1 convenient administration of justice and will avoid a multiplicity of separate, similar actions
2 against Defendants.

3 21. Annexed to this Complaint as a schedule (the "Schedule") and incorporated herein
4 is a list identifying some of the many musical compositions whose copyrights were infringed by
5 Defendants. The Schedule contains information on the six (6) claims of copyright infringement at
6 issue in this action. Each numbered claim has the following eight lines of information (all
7 references to "Lines" are lines on the Schedule): Line 1 providing the claim number; Line 2 listing
8 the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the
9 musical composition; Line 4 identifying the publisher(s) of the musical composition and the
10 plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the
11 copyright registration was issued for the musical composition; Line 6 indicating the copyright
12 registration number(s); Line 7 showing the date(s) of infringement; and Line 8 identifying the
13 Establishment where the infringement occurred.

14 22. For each work identified on the Schedule, the person(s) named on Line 3 was the
15 creator of that musical composition.

16 23. For each work identified on the Schedule, on or about the date(s) indicated on
17 Line 5, the publisher(s) named on Line 4 (including any predecessors in interest), complied in all
18 respects with the requirements of the Copyright Act and received from the Register of Copyrights
19 Certificates of Registration bearing the number(s) listed on Line 6.

20 24. For each work identified on the Schedule, Plaintiff BMI is currently the licensor of
21 the public performance rights in the musical composition identified on Line 2 and was, at the time
22 of the infringement, granted the right by the publisher(s) identified on Line 4 to pursue actions
23 for infringement of the public performance rights in their musical compositions and to seek
24 damages for such infringement. For each work identified on the Schedule, on the date(s) listed on
25 Line 7, the Plaintiff(s) listed on Line 4 was (and still is) the owner of the copyright in the
26 respective musical composition listed on Line 2.

27 25. For each work identified on the Schedule, on the date(s) listed on Line 7,
28 Defendants publically performed and/or caused to be publicly performed At the Establishment the

1 musical composition identified on Line 2 without a license or permission to do so. Thus,
2 Defendants have committed copyright infringement.

3 26. The specific acts of copyright infringement alleged in the Complaint, as well as
4 Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable
5 damage. By continuing to provide unauthorized public performances of works in the BMI
6 Repertoire at the Establishment, Defendants threaten to continue committing copyright
7 infringement. Unless this Court restrains Defendants from committing further acts of copyright
8 infringement, Plaintiffs will suffer irreparable injury for which they have no adequate remedy at
9 law.

10 WHEREFORE, Plaintiffs pray that:

11 (I) Defendants, their agents, servants, employees, and all persons acting under their
12 permission and authority, be enjoined and restrained from infringing, in any manner, the
13 copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. Section 502;

14 (II) Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C. Section
15 504(c);

16 (III) Defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant
17 to 17 U.S.C. Section 505; and

18 (IV) That Plaintiffs have such other and further relief as is just and equitable.

19 DATED: March 13, 2014

COBLENTZ PATCH DUFFY & BASS LLP

21 By: */s/ Karen S. Frank*

22 Karen S. Frank
23 Attorneys for Broadcast Music, Inc., et al.

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Schedule

Line 1	Claim No.	1
Line 2	Musical Composition	Before I Let Go
Line 3	Writer(s)	Frankie Beverly
Line 4	Publisher Plaintiff(s)	Frankie Beverly, an individual d/b/a Amazement Music
Line 5	Date(s) of Registration	6/19/81
Line 6	Registration No(s).	PA 106-672
Line 7	Date(s) of Infringement	10/18/2013
Line 8	Place of Infringement	Spin-A-Yarn Restaurant

Line 1	Claim No.	2
Line 2	Musical Composition	Don't Stop a/k/a Don't Stop Till You Get Enough
Line 3	Writer(s)	Michael Joe Jackson
Line 4	Publisher Plaintiff(s)	MJ Publishing Trust d/b/a Miran Publishing Inc.
Line 5	Date(s) of Registration	6/18/79 8/11/80
Line 6	Registration No(s).	Pau 114-601 PAu 240-861
Line 7	Date(s) of Infringement	10/18/2013
Line 8	Place of Infringement	Spin-A-Yarn Restaurant

Line 1	Claim No.	3
Line 2	Musical Composition	Last Night A D.J. Saved My Life
Line 3	Writer(s)	Mike Cleveland
Line 4	Publisher Plaintiff(s)	Howard Comart, an individual d/b/a Comart Music; EMI Virgin Songs, Inc. d/b/a EMI Longitude Music
Line 5	Date(s) of Registration	1/7/83 8/12/81
Line 6	Registration No(s).	PA 159-215 PAu 325-349
Line 7	Date(s) of Infringement	10/18/2013
Line 8	Place of Infringement	Spin-A-Yarn Restaurant

Line 1	Claim No.	4
Line 2	Musical Composition	Upside Down
Line 3	Writer(s)	Bernard Edwards; Nile Rodgers
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC; The Bernard Edwards Company LLC
Line 5	Date(s) of Registration	8/4/80
Line 6	Registration No(s).	PA 75-961
Line 7	Date(s) of Infringement	10/18/2013
Line 8	Place of Infringement	Spin-A-Yarn Restaurant

Line 1	Claim No.	5
Line 2	Musical Composition	Roses Are Red
Line 3	Writer(s)	Antonio Reid; Kenny Edmonds
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC; Warner-Tamerlane Publishing Corp.
Line 5	Date(s) of Registration	12/29/88
Line 6	Registration No(s).	PA 397-517
Line 7	Date(s) of Infringement	10/18/2013
Line 8	Place of Infringement	Spin-A-Yarn Restaurant

Line 1	Claim No.	6
Line 2	Musical Composition	Dance With Me
Line 3	Writer(s)	Peter Brown; Robert Rans
Line 4	Publisher Plaintiff(s)	Songs of Universal, Inc.; EMI Virgin Songs, Inc. d/b/a EMI Longitude Music
Line 5	Date(s) of Registration	3/30/78
Line 6	Registration No(s).	PA 2-804
Line 7	Date(s) of Infringement	10/18/2013
Line 8	Place of Infringement	Spin-A-Yarn Restaurant
